IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 33023 of 2007(F)

CC.773/2003 of J.M.F.C.,MALAPPURAM

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PETITIONER:

UNNEENKUTTY, S/O. KUTTIAN,
VELLARA POST, ANTHIYOORKUNNU, MALAPPURAM DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY GOVERNMENT PLEADER SRI.M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J.

W.P.C.No.33023 of 2007

Dated this the 26th day of November 2007

J U D G M E N T

The short grievance of the petitioner, the first accused in C.C.No.773/2003 on the file of the Judicial First Class Magistrate Court, Malappuram for offences punishable inter alia under Sections 447 and 506(1) read with 149 I.P.C is that though cognizance was taken as early as in 2003, the case has not been disposed of yet. The petitioner prays that there may be a direction for expeditious disposal.

2. Has the petitioner moved the learned Magistrate? Has the petitioner apprised the learned Magistrate of the circumstances which oblige him to seek expeditious disposal? Obviously and admittedly he has not done the same. I must discourage the practice of parties/counsel rushing to this court for expeditious out of turn posting for a case pending before courts below without and before moving the courts concerned.

3. It is for the petitioner to file appropriate application before the learned Magistrate for an out of turn expeditious disposal of the case pending against him. The case has been

pending from 2003 and I find no reason why the learned Magistrate should not sympathetically and compassionately consider the request of the petitioner for out of turn disposal, if satisfactory and sufficient cause is shown.

4. This writ petition is accordingly dismissed with the above observations. The petitioner can now move the learned Magistrate for out of turn expeditious disposal.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007